

105TH CONGRESS
1ST SESSION

S. 1258

AN ACT

To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
 2 **SISTANCE.**

3 Title I of the Uniform Relocation Assistance and Real
 4 Property Acquisition Policies Act of 1970 (42 U.S.C. 4601
 5 et seq.) is amended by adding at the end the following:

6 **“SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
 7 **SISTANCE.**

8 “(a) IN GENERAL.—Except as provided in subsection
 9 (c), a displaced person shall not be eligible to receive relo-
 10 cation payments or any other assistance under this Act
 11 if the displaced person is an alien not lawfully present in
 12 the United States.

13 “(b) DETERMINATIONS OF ELIGIBILITY.—

14 “(1) PROMULGATION OF REGULATIONS.—Not
 15 later than 1 year after the date of enactment of this
 16 section, after providing notice and an opportunity
 17 for public comment, the head of the lead agency
 18 shall promulgate regulations to carry out subsection
 19 (a).

20 “(2) CONTENTS OF REGULATIONS.—Regula-
 21 tions promulgated under paragraph (1) shall—

22 “(A) prescribe the processes, procedures,
 23 and information that a displacing agency must
 24 use in determining whether a displaced person
 25 is an alien not lawfully present in the United
 26 States;

1 “(B) prohibit a displacing agency from dis-
2 criminating, against any displaced person;

3 “(C) ensure that each eligibility determina-
4 tion is fair and based on reliable information;
5 and

6 “(D) prescribe standards for a displacing
7 agency to apply in making determinations relat-
8 ing to exceptional and extremely unusual hard-
9 ship under subsection (c).

10 “(c) EXCEPTIONAL AND EXTREMELY UNUSUAL
11 HARDSHIP.—If a displacing agency determines by clear
12 and convincing evidence that a determination of the ineli-
13 gibility of a displaced person under subsection (a) would
14 result in exceptional and extremely unusual hardship to
15 an individual who is the displaced person’s spouse, parent,
16 or child and who is a citizen of the United States or an
17 alien lawfully admitted for permanent residence in the
18 United States, the displacing agency shall provide reloca-
19 tion payments and other assistance to the displaced person
20 under this Act if the displaced person would be eligible
21 for the assistance but for subsection (a).

22 “(d) LIMITATION ON STATUTORY CONSTRUCTION.—
23 Nothing in this section affects any right available to a dis-
24 placed person under any other provision of Federal or
25 State law.”.

1 **SEC. 2. DUTIES OF LEAD AGENCY.**

2 Section 213(a) of the Uniform Relocation Assistance
3 and Real Property Acquisition Policies Act of 1970 (42
4 U.S.C. 4633(a)) is amended—

5 (1) by redesignating paragraphs (2), (3), and
6 (4) as paragraphs (4), (5), and (6), respectively; and

7 (2) by inserting after paragraph (1) the follow-
8 ing:

9 “(2) provide, in consultation with the Attorney
10 General (acting through the Commissioner of the
11 Immigration and Naturalization Service), through
12 training and technical assistance activities for dis-
13 placing agencies, information developed with the At-
14 torney General (acting through the Commissioner)
15 on proper implementation of section 104;

16 “(3) ensure that displacing agencies implement
17 section 104 fairly and without discrimination in ac-
18 cordance with section 104(b)(2)(B);”.

Passed the Senate November 8, 1997.

Attest:

Secretary.

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